

Calendar date of 6/01/10

**THE NOTES BELOW REPRESENT NOTES
AFTER THE SECOND CHECK HAS BEEN
COMPLETED. NO FURTHER DOCUMENTS
WILL BE REVIEWED PRIOR TO HEARING.**

**The Probate Examiners can be reached at
ProbateNotes@sb-court.org.**

Emails must have the case identification information and Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

PROBATE

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000089**

CASE NAME: MTR OF BERNICE CONSTANCE PAXTON

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

EDGAR WRIGHT (PET)...E. JOAN NELMS
BERNICE CONSTANCE PAXTON (DEC)...

GENERAL INFORMATION

Special administration was granted on 2/16/10, no bond.

Continued from 3/16/10. Court was notified that a competing petition would be filed.

Continued from 04-27-10. Attorney Linda Roberts-Ross to file a competing petition and written objections.

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Petitioner requests no bond on basis estate is real property only. However, full IAEA authority is requested and therefore real property value must be bonded. Suggest \$160,000 bond based upon estate value of same.
3. **Objections and petition for suspension/removal of special administrator filed by Larry Bersherse. Petition for removal set for hearing on 7/6/10.**

RECOMMENDATION

Need to clear notes then set for contested hearing. If approved, \$160,000 bond. Set accounting review for **8/9/11**. Accounting to be filed at least 30 days prior. Note Local Rule 20-908 re filing of bank/investment statements.

Abs/vet/abs

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000307**

CASE NAME: RUBY LOU STILLBERGER

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

CONNIE WRIGHT (PET)...CHRISTINA FERRANTE
RUBY LOU STILLBERGER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Out-of-state Petitioner requests \$111,000 based upon estate value of same. Appears sufficient.

RECOMMENDATION:

RFA, \$111,000 bond. If approved, set future hearing for Accounting/Status Review on **08-09-11**. Any accounting to be filed 30 days in advance. Note requirements of Local Rule 20-908.

(vet/abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000309**

CASE NAME: CARL M. CLARK

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary w/Full Authority Under IAEA..

COUNSEL:

CATHLEEN M KONYN (PET)...FULLERTON LEMANN SCHAEFFER & D
CARL M CLARK (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary with full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.

RECOMMENDATION:

RFA, no bond. If approved, set future hearing for Accounting/Status Review on **08-09-11**. Any accounting to be filed 30 days in advance. Note requirements of Local Rule 20-908.

(vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000313**

CASE NAME: MTR OF ROBERT A PROVENZA

HEARING:

Hearing re: Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

ANNETTE PROVENZA TOFAN (PET)...SELTERS & SELTERS
KIMBERLY M WHITEFORD (PET)...SELTERS & SELTERS
ROBERT A PROVENZA (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary with Limited authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Section 2(b) names Kimberly M. Whiteford as a co-petitioner. However, petition is not signed by Ms. Whiteford. Need same.
2. Will waives bond. However, non-resident petitioners request \$10,000 bond based on estimated estate value of \$3,000. As limited authority is being requested and petitioners are non-residents, Court could require minimum bond per Pr.C. §8571. As the minimum premium will purchase a bond up to \$20,000, Court may wish to order minimum bond. JTD.

RECOMMENDATION:

RFA subject to note 1, \$20,000 bond. If approved, set Accounting Review on **08-09-11**. Any accounting to be filed 30 days in advance. Note requirements of Local Rule 20-908.

(vet/abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000321**

CASE NAME: MTR OF RAFAEL TERRONES

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

DIANE A TERRONES (PET)...JAMES M POWELL
RAFAEL TERRONES (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Section 8 of the petition is incomplete as to the names and addresses of decedent's children. Need same.
2. Notice of Petition to Administer and proof of service filed. However, will need proof of service or due diligences for children per prior note.
3. Petitioner requests \$71,280.00 bond based upon estate value of same. Suggest bond of \$72,000.00.

RECOMMENDATION:

Need to clear notes, \$72,000 bond. If approved, set future hearing for Accounting/Status Review on **08-09-11**. Any accounting to be filed 30 days in advance. Note requirements of Local Rule 20-908.

(vet/abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000323**

CASE NAME: CAROLYN ANN OLLERTON

HEARING: Spousal Property Petition hearing.

COUNSEL:
MICHAEL R KAISER (PET)...FULLERTON LEMANN SCHAEFFER & D
CAROLYN ANN OLLERTON (DEC)...

SEE ALSO ATTACHED PRO0900215 SPOUSE
GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Spousal Property Petition

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests determination and confirmation of property passing to post-deceased spouse's estate (PROPS0900215) as community property. Specifically real property in Riverside County. Petitioner proffers Interspousal Transfer (Grant) Deed filed on 06-12-07 with Riverside County Recorder which deeds surviving spouse real property as community property.
2. No objections are filed at the time of the review of this file.

RECOMMENDATION:
RFA.

(vet)

FUTURE HEARING:
07/26/10 Accounting Review re Post-deceased Spouse (PROPS0900215)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0600037**

CASE NAME: CERVANTES FAMILY TRUST

HEARING:

Motion Re: SUMMARY ADJUDICATION OF RESPONDENT W. CERVANTES

COUNSEL:

KATHLEEN C HELGEDALEN CAMPBELL(PET)...HARTNELL, LISTER & MOORE

ARTHUR CERVANTES (PET)...THOMPSON & COLEGATE LLP

CERVANTES FAMILY TRUST (TRU)...

WILLIAM CERVANTES (TEE)...HARRISON LAW OFFICES

KATHLEEN C. HELGEDALEN (HARTNELL, LISTER & MOORE)...HARTNEL

No notes – Judge to decide.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0700427**

CASE NAME: WILMA CLARA DAWKINS

HEARING:

FIRST AND FINAL Account and Report of KENNETH J GERARD and
Petition for allowance of fees filed.

COUNSEL:

KENNETH J GERARD (PET)...BEST BEST & KRIEGER
WILMA CLARA DAWKINS (DEC)...

GENERAL INFORMATION

Continued from 04-27-10. Doreen Wiggins objects to the accounting and states she will be retaining counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON 1st & final account and petition for fees and final distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Trustee and beneficiaries waive an accounting.
2. Decedent's will and proposed distribution leaves the entire estate to the Dawkins Trust. However, petitioner has made several distributions in cash without prior court authority directly to Doreen Wiggins and Rosalie Puente totaling \$37,000 each. Question if Doreen Wiggins and Rosalie Puente are beneficiaries of the trust and why they should not return the distributions. Need verified supplement and distributive portion of the trust and that those distributions are credited against any share they receive in the trust. **Supp: Preliminary distributions were equal (itemized in supplement as \$37,500 to each of the two beneficiaries). Consents and receipts have been provided. Petitioner requests ratification of these distributions.**
3. Petitioner and attorney request statutory fees of \$25,928.92. ok
4. Petitioner requests to withhold \$10,000 for closing expenses.
5. **No objections filed as of review of this file. Court may wish to inquire re: purported objection by Doreen Wiggings.**

RECOMMENDATION:

If proceeding, RFA subject to court's determination re note 2. If approved, court to set hearing re filing receipts and final discharge for **6/7/11**.

(kra/abs/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0700539**

CASE NAME: FRANK K BRUNO

HEARING:
Accounting Review

COUNSEL:
JUDITH LARRABEE (PET)...JEANNE M FITZGERALD
FRANK H BRUNO (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued 07-16-07, no bond.
2. No accounting and/or updated status report is filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0700829**

CASE NAME: THE AURILLA J. MCGREGOR TRUST

HEARING:
Accounting Review

COUNSEL:
SAN BERNARDINO COUNTY PUBLIC A(PET)...CRAIG M PARKER
THE AURILLA J. MCGREGOR TRUST (TRU)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Public Administrator appointed Successor Trustee 10-04-07, no bond.
2. No accounting and/or updated status report is filed.

RECOMMENDATION:

When the trustee does not file an accounting as required, the court shall take action as specified in Pr.C. § 800 and C.C. P. § 128.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0700963**

CASE NAME: CAROLYN SUE BENDER

HEARING:

FIRST AND FINAL Account and Report of SHERYL L DIXON and
Petition for allowance of fees filed.

COUNSEL:

SHERYL L DIXON (PET)...PATRICK J HOOLIHAN
CAROLYN SUE BENDER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Final Distribution upon Waiver of
Account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner waives statutory compensation.
2. Attorney requests statutory fees of \$2,627.03. Calculated.
3. Need Waiver of Account by sibling, Jack Getz.
4. Beginning and ending dates for accounting periods are not identified. File verified supplement.
5. Petitioner maintains that \$16,334.20 was repaid from estate funds, to the petitioner on 04/02/08, as reimbursement for mortgage payments. Need detailed schedules of receipts and distributions. CRC 7.550(b) (6).
6. Petitioner indicates that a creditor claim totaling \$893.73 for decedent's funeral expenses was allowed and paid without court authority. Question the authority to pay personal representative's claim without prior court authority per Pr. C. § 9252? Need verified supplement.
7. Decedent died intestate. However, proposed distribution does not include sibling Jack Getz. Need verified supplement.
8. Petitioner indicates real property was lost to foreclosure. Question if there were any surplus funds? Need verified supplement.
9. Petitioner requests authority to withhold \$1,000 as a reserve for closing costs.
JTD.

10. Notice of Hearing with proof of service filed. However, notice does not include sibling, Jack Getz. Need proof of service to same.

RECOMMENDATION

Need to clear notes. If approved court to set hearing re filing receipts and final discharge for **06-07-11**.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0701157**

CASE NAME: ROBERT CHARLES KITTLE

HEARING:
Accounting Review

COUNSEL:
SCOTT E. KITTLE (PET)...TOMLINSON, NYDAM AND PRINCE
ROBERT CHARLES KITTLE (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 04-04-08 no bond.
2. No accounting and/or updated status report is filed

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800133**

CASE NAME: RICHARD P. WHITE

HEARING:
Accounting Review

COUNSEL:
DARLA L. WHITE (PET)...DANIEL C. SEVER
RICHARD P. WHITE (DEC)...

GENERAL INFORMATION

Continued from 06/16/09 Court set OSC as there was no appearance or accounting filed.
Continued from 08/04/09 at request of counsel. OSC off calendar.
Continued from 09/29/09 and 11/10/09 counsel state his client is not cooperating.
Continued from 01-05-10. Notice given by courtroom clerk.
Continued from 02-16-10 and 04-27-10 at request of counsel. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued on 04/08/08, full authority no bond.
2. Need accounting.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. No bonding company to notice.

(cbr/kra/vet/kra/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800245**

CASE NAME: JOLEEN TREFZ

VACATED- FINAL DISCHARGE IS APPROVED AND SUBMITTED FOR SIGNATURE.

HEARING:
Hearing re Final Discharge

	COUNSEL:
A. MICHAEL KAUTZ	(PET)...ROLAND W HALL
JOLEEN TREFZ	(DEC)...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800427**

CASE NAME: JOHN EARL WILLIAMS

HEARING:

FIRST AND FINAL Account and Report of THOMAS WILLIAMS and
Petition for allowance of fees filed.

COUNSEL:

THOMAS WILLIAMS (PET)...RICHARD G ANDERSON
JOHN EARL WILLIAMS (DEC)...
JOHN RUSSELL WILLIAMS (TP)...EDWARD B FISCHER & ASSOCIATES

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued on 06-17-08, no bond.
2. Petitioner alleges that during the course of the Administration, John Russell Williams presented himself as the natural child and sole heir of the Decedent. Upon learning of the surviving child, Administrator, Thomas Williams, refused to take further action regarding the Estate. Counsel maintains a proposed accounting was forwarded to Administrator for execution and that he refused to sign. When requested to return the documents, Administrator forwarded the attached e-mail (orange tab). Does Court wish to accept first and final account signed, verified and filed by Administrator's attorney? Alternatively, Court may wish to set OSC re: Suspension and Removal. JTD.
3. NOTE: On 09-15-09, Court ordered \$87,768.93 to be placed into a blocked account and withdrawal of funds to be court approved. Need Proof of Deposit of Blocked funds. Alternatively, Court may wish to set OSC re: Proof of Blocked Account/Proof of Deposit. JTD.
4. Petitioner and Attorney request statutory fees of \$3,589.05. However, statutory basis of \$89,881.76 would equal \$3,595.27. Not calculated. Need verified supplement.

5. Attorney requests reimbursement for advanced costs in the amount of \$1,415.33 as set forth in Exhibit "B.". Itemized.
6. Petitioner identifies expenses that were incurred and paid as set forth in Schedule "B" totaling \$11,475.81. Generally itemized. However, petitioner includes reimbursement for travel expenses and other expenses while in California totaling \$3,971.12. The personal representative shall not be reimbursed for mileage, parking fees or any other travel expenses incurred with their appearance before the Court unless they have waived their statutory commission. Local Rule 20-909. Need verified supplement.
7. Petitioner alleges there are two creditor's claims from Southwest Gas Corporation for \$32.80 and Northgate Apartments for \$1,410.40 filed on 07-10-08 Petitioner states creditors will be paid prior to the closing of the estate. However, there are no allowances or rejection notices in the file regarding these claims. File verified supplement confirming status of these claims.
8. Need bank/investment statements verifying date of death balances per Local Rule 20-908 from Desert Community Bank and Old Mutual Money Market Program Accounts.
9. Need statement regarding notice to Director of Health Care Services or notice per Pr. C. § 9202(a).
10. Petitioners request to withhold \$500 for closing expenses. JTD.

11. Objections filed by John Williams.

RECOMMENDATION:

Need to clear notes then set for contested hearing. If approved, court to set hearing on filing of receipts and final discharge for **06-07-11**.

(vet/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800846**

CASE NAME: TRUST OF JOSEPHINE HELEN DEGITZ

HEARING:

Hearing Re: Status

COUNSEL:

DEBORAH DEE DEGITZ (PET)...WILLIAM M NASSAR & ASSOCIATES

SIGMUND J DEGITZ (PET)...ROBERT L KERN

TRUST OF JOSEPHINE HELEN DEGIT(STRU)...

No notes – status.

FUTURE HEARING:

10/01/10 MSC

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0801021**

CASE NAME: BETTY JANE WEAVER

HEARING:
Accounting Review

COUNSEL:

RICHARD W DAVIS	(PET)...	JAMES B CHURCH
BETTY JANE WEAVER	(DEC)...	
LINDA STEWART DOMERCQ	(PET)...	WALTER T MOORE
EVELYN STEWART LOWRIE	(TP)...	PRO/PER
JANET STEWART GOOD	(PRO/PER)...PRO/PER
LINDA STEWART DOMERCQ	(PRO/PER)...PRO/PER
ARNOLD C STEWART	(PRO/PER)...PRO/PER
LEONARD W STEWART	(PRO/PER)...PRO/PER
NANCY STEWART MCGRATH	(PRO/PER)...PRO/PER

GENERAL INFORMATION:
Continued from 5/4/10.

THIS CASE IS SET FOR HEARING ON accounting review/status report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued 05-07-09, \$53,000 bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. Clerk to notice bond company.
(vet/abs)

FUTURE HEARINGS:

10/14/10 Readiness Calendar

10/18/10 Court Trial set for PETITION FOR WILL AND LETTERS TESTAMENTARY of
RICHARD W DAVIS

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900017**

CASE NAME: EUGENE D. ZIMMERMAN

VACATED- ACCOUNTING FILED AND IS SET THIS DATE.

SEE ALSO 18

HEARING:
Accounting Review

COUNSEL:
RHONDA SAUNDERS (PET)...M. LYNN HUSTON
EUGENE D. ZIMMERMAN (DEC)...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900017**

CASE NAME: EUGENE D. ZIMMERMAN

SEE ALSO 17

HEARING:

FIRST AND FINAL Account and Report of RHONDA SAUNDERS and
Petition for allowance of fees filed.

COUNSEL:

RHONDA SAUNDERS (PET)...M. LYNN HUSTON
EUGENE D. ZIMMERMAN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued on 04-20-09, no bond.
2. Petitioner waives statutory fees.
3. Attorney requests statutory fees of \$4,693.00. Calculated.
4. Petitioner indicates she has not been able to find a buyer for the 1986 Chevrolet for which beneficiaries intend to take title and then donate the vehicle after the conclusion of probate proceedings.

RECOMMENDATION:

RFA. If approved, set hearing on filing of receipts and final discharge for **06-07-11**.

(vet/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900031**

CASE NAME: KELLY ANN KELLY

HEARING:
Probate status report filed.

COUNSEL:
ROBERTA M MUSSER (PET)...RICHARD G ANDERSON
KELLY ANN KELLY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner indicates the estate is not in a condition to close due to sole beneficiary not having determined whether or not she wishes to sell the real property. Once the beneficiary has decided what she wishes to do with real property it is to either be placed on the market for sale or distributed to the sole beneficiary.
2. Petitioner requests an additional 6 months to close the estate.

RECOMMENDATION:

RFA. Set hearing for the next status report and/or account for **08-09-11**. Any accounting to be filed 30 days in advance.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900193**

CASE NAME: SUSAN M JAHNKE

HEARING:

FIRST & FINAL Account and Report of NATALIE C JAHNKE and
Petition for allowance of fees filed.

COUNSEL:

NATALIE C JAHNKE	(PET)...	ROBBINS & HOLDAWAY
SUSAN M JAHNKE	(DEC)...	
CONNOR JAHNKE	(MIN)...	

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued on 07-28-09, no bond.
2. Petitioner waives statutory compensation.
3. Attorney requests the lessor amount of \$5,350.00 as statutory fees.
4. Attorney requests reimbursement for advanced costs in the amount of \$1,640.00.
Itemized.

RECOMMENDATION:

RFA. If approved, court to set hearing on filing of receipts and final discharge for
06/07/11.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900397**

CASE NAME: BERNARDO LARRABURO ARRASTIO

HEARING:

WAIVER OF Account and Report of CYNTHIA ARRASTIO and Petition
for allowance of fees filed.

COUNSEL:

OSCAR ESQUIVEL (PET)...LAW OFFICES OF JOHN R SETLICH
BERNARDO LARRABURO ARRASTIO (DEC)...
CYNTHIA ARRASTIO (PET)...HORSPOOL & PARKER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Final Distribution upon Waiver of
Account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration with Will Annexed issued 08-27-09, \$20,000 bond.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$7,613.40. Calculated.
4. All heirs waive accounting.
5. Petitioner states there are no creditors claims filed. However, there are 2 creditor's claims from Chino Emergency Med. Assoc. for \$1,606.00 and Chino Valley Medical Center for \$4,341.06 filed on 04-09-10 and 04-20-10, respectively. There are no allowances or rejection notices in the file regarding these claims. File verified supplement confirming status of these claims.
6. **Petition to determine distribution rights filed by Oscar Esquivel and Noemi Rodriguez-O-Campo. Matter is set for hearing on 6/29/10. Cannot determine final accounting without a determination of distribution. Court to trail accounting to meet that date.**

RECOMMENDATION

Trail to 6/29/10.

(vet/abs)

FUTURE HEARINGS: 6/29/10 Petition for TO DETERMINE DISTRIBUTION RIGHTS

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900643**

CASE NAME: MTR OF JOSEPH BRUCE FISK JR

SEE ALSO #34 @10:30

HEARING:

Petition for 850 TO RECOVER PERSONAL PROPERTY OF DECEDENT

COUNSEL:

ALAN CARROLL (PET)...EDWARD B FISCHER & ASSOCIATES

JOSEPH BRUCE FRISK JR (DEC)...

CAROL BOLTON (TP)...PRO/PER

ROBERT MOENTENICH (PRO/PER)...PRO/PER

GENERAL INFORMATION:

THIS CASE SET FOR HEARING ON Petition to Recover Personal Property (Pr.C. §850).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Special Administration, limited, issued 09-03-09. General Letters of Administration issued 10-13-09.
2. Petitioner alleges the estate has a claim in personal property, specifically decedent's 1987 Lincoln Town Car, in possession of Ricardo Medilla (Respondent), the next door neighbor to Decedent's home. Petitioner believes and alleges that Respondent has somehow improperly obtained registration of the automobile in his own name and further alleges that Respondent has unsuccessfully attempted to obtain Decedent's home. Petitioner maintains that demand was made upon Respondent for return of the automobile, that the Respondent has refused and continues to refuse to sign and turn over the automobile to Petitioner.
3. Petitioner seeks a Court order directing Respondent, Ricardo Medilla, to immediately sign and turn over the automobile to petitioner and for the cost of suit incurred herein.
4. **Return of citation filed but it indicates personal service upon respondent on 5/11/10, 21 days prior to this hearing. Must have 30 days notice per Pr.C. 851.**

RECOMMENDATION:

Need proper notice, then Court's discretion.

(vet)

FUTURE HEARING: 12/21/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900763**

CASE NAME: VELMA JEAN LEE

HEARING:

Petition for ESTABLISHING ESTATES CLAIM FOR OWNERSHIP TO
PROPERTY FOR ORDER DIRECTING ITS TRANSFER TO ESTAT

COUNSEL:

JAMES DAVID LEE	(PET)...	GREGORY T ARMSTRONG
VELMA JEAN LEE	(DEC)...	
JAMES DAVID LEE	(PET)...	ROBERT RODDICK

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Establish Estate's Claim for Ownership to Property and for Order Directing its Transfer to Estate (Pr.C. §850).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 12-03-09, no bond
2. Petitioner, as administrator of the estate, alleges the estate has a claim in real and personal property, specifically decedent's home and personal property, in possession of unknown Respondent(s), who are believed to be occupying the decedent's real property and paying rental income to Sea Board Inc.
 - a. Respondent, Sea Board Inc., is a registered California Corporation doing business throughout California with headquarters located in San Bernardino, CA;
 - b. Respondent, Mario E. McKinley, is a California registered Notary Public, Commission number 1615787, registered in San Bernardino County, CA.
3. Petitioner alleges he resided in the property with Decedent prior to her death and at the time of Decedent's death, title and possession of the property was held by Decedent. Petitioner further maintains that Decedent had no knowledge of Respondent and had no intention of ever transferring the property to Respondent.
4. Petitioner alleges that Respondent has somehow improperly obtained title and possession of Decedent's home in his own name and further alleges that on 01/20/09, Respondent recorded a grant deed purportedly executed by the

Decedent on 12-22-08 (DOD: 11-17-08), more than a month after her death. On 09/22/200 (unclear), petitioner alleges Respondent recorded another grant deed purportedly executed by Decedent, 2 months prior to her death. Need copies of purported grant deeds filed with San Bernardino County Recorder's Office on 01/20/09 and 12/22/200 (unclear).

5. Petitioner alleges that in addition to the estate's claim of ownership of the property, the estate has claims against Mario E. McKinley and unknown residents (tenants) based on McKinley allegedly forging the notarization of both purported deeds from Decedent to Sea Board Inc., along with violating relevant California Code Requirements for Notaries and has forfeited his bond. Finally, petitioner asserts tenants are unlawfully detaining the real estate without consent of the lawful owner, the Estate of the Decedent.
6. Petitioner seeks a Court order directing Respondent to return to Decedent's Estate any and all of Decedent's separate personal property and that Respondent convey to Petitioner, title to the real property free from encumbrance, together with all fully executed documents necessary to complete the conveyance. In addition, Petitioner requests Respondent be held liable for twice the value of the property per Pr. C. § 859. JTD.
7. Need to file proof of personal service on Respondents and unknown tenants/occupants per Pr.C. §851. **Supp: Two Acknowledgement of Receipt of Summons were filed on 5/11/10 but it cannot be determined by whom they were signed.**

RECOMMENDATION:

Require notice, need to clear note 4 then set for evidentiary hearing.

(vet/abs)

FUTURE HEARING:

02/10/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **RPR RS03001**

CASE NAME: KEVIN VASQUEZ

VACATED- PROOF OF BLOCKED ACCOUNT FILED.

HEARING:

OSC re: Proof of Blocked Account filed by JOAQUIN ALVAREZ

COUNSEL:

JOAQUIN ALVAREZ	(PET)...FARMER & RIDLEY
KEVIN VASQUEZ	(MIN)...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **RPR RS03077**

CASE NAME: ANGELA A VIGNOCCHI

HEARING:
Accounting Review

COUNSEL:

ROGER T VIGNOCCHI JR	(PET)...	SIDNEY W JONES
ANGELA A VIGNOCCHI	(DEC)...	
CARMELA A VIGNOCCHI	(CEX)...	STEPHEN N DORSI
ANTONIA A VIGNOCCHI	(CEX)...	STEPHEN N DORSI
CARMELA A VIGNOCCHI	(PET)...	WILLIAM M NASSAR & ASSOCIATES
ANTONIA A VIGNOCCHI	(PET)...	WILLIAM M NASSAR & ASSOCIATES

GENERAL INFORMATION

Continued from 02/09/09 and 4/14/09 for objections to be filed.

Continued from 07/16/09.

Continued from 11/10/09. Court appointed James banks as Special Master and ordered parties to confer with him and realtor.

Continued from 11-24-09. Parties state that an agreement has been reached with the assistance of Mr. Banks. Roger Vignocchi Jr. is to vacate the property by 01-03-10.

Court orders funds that Roger Vignocchi Jr. has in his possession to be deposited by 12-15-09 into Mr. Banks client trust account.

Continued from 01-12-10. Roger Vignocchi Jr. has not vacated the property or turned over the funds to Mr. Banks. Court orders Roger Vignocchi and the tenants to vacate the property by 01-24-10.

Continued from 02-23-10 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to recover possession of real and personal property belonging to Trust (Pr.C.§850(a)(3)(B)).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioners are 2 of 3 co-executors as to the estate's real property against the co-executor, Roger Vignocchi Jr (Roger).

2. Petitioners allege that the parties had a stipulated agreement to sell the estate's real property giving Roger the first right to purchase it by 8/30/07 or in the alternative for Roger to vacate the premises by 9/30/07. Petitioners allege that to date the real property has not been purchased nor vacated. Petitioners also allege that Roger is receiving rental income for the property.
3. Petitioners request an order recovering possession of the real property and the personal property contained therein. Petitioners bring this request pursuant to Pr.C. §850(a)(3)(B) whereby a trustee has a claim to the real and personal property in possession of another.
4. Petitioners further request that Roger pay damages as a rate of \$100/day from 9/30/07 per Pr.C. §859 and the income received for the rental of the residence and costs of the suit incurred.
5. Response filed by Roger Vignocchi whereas Roger has no objections to the sale of the real property, but wants to defer that sale until the parties can realize a sum closer to the appraised value. Respondent also alleges that two of the three rooms are being rented and there is an account receivable due for the tenant that moved out. The respondent alleges he continues to maintain the property and there is over \$9,000 in the account which should be maintained in the event there are vacancies during the court of the ownership.
6. No objections (other than the response noted in note 6) filed at the time of the review of this file.
7. Stipulation re assets filed 11/10/09. It is not clear whether the stipulation resolves this petition as it is not referenced. Suggest court inquire.

RECOMMENDATION

Court's discretion. If terms of the agreement having not been complied with, set for evidentiary hearing.

/cbr/gls/cbr/abs/vet/vet/vet

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS07267**

CASE NAME: ESTATE OF DORIS LA MENA BOWERS

HEARING:
Probate status report filed.

COUNSEL:
JOHN D HOOVER (PET)...ROBERT L KERN
DORIS LA MENA BOWERS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Estate is not in a condition to close due to the need to sell real property.
2. Petitioner requests an additional 12 months to close the estate.

RECOMMENDATION:

RFA. Set hearing for the next status report and/or account for **08-09-11**. Any accounting to be filed 30 days in advance.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **VPR VS002617**

CASE NAME: ESTATE OF JAMES A DAUGHTERS SR

SEE ALSO 28

HEARING:

SIXTH Account and Report of WILBUR E DAUGHTERS JR and Petition
for allowance of fees filed.

COUNSEL:

DEBORAH S DAUGHTERS (PET)...ROBERTA L TAYLOR
JAMES ARTHUR DAUGHTERS SR (DEC)...
WILBUR E DAUGHTERS JR (PET)...MARVIN B OSBAND
FRANCINE A VASQUEZ (TP)...MARVIN B OSBAND
CAROLYN J SCHAUF (CAROLYN J SCHAUF.)...CAROLYN J

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Sixth Account Current and Petition for
Authorization to Continue Estate Administration and for Increased Bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Administration issued 7-28-05.
2. Accounting covers 07-14-09 to 04-15-10.
3. Petitioner alleges the estate is not in a position to close as real property has been sold with terms that monthly interest payments continue for one year, at which time the entire unpaid principal shall become due and payable. Petitioner requests authority to continue the estate administration until on or about August 22, 2011, at which time petitioner's attorney will prepare the final account, petition for approval and for final distribution and fees.
4. Petitioner's current bond is posted in the amount of \$48,000. Petitioner requests that the bond be increased by an additional \$59,000 for a total bond of \$107,000. Appears adequate. JTD.

RECOMMENDATION:

RFA subject to note 5 and \$59,000 additional bond. Set hearing on the next accounting review for **08-22-11**.

(vet/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 9:00 DEPT: S33P

CASE#: **VPR VS002617**

CASE NAME: ESTATE OF JAMES A DAUGHTERS SR

SEE ALSO 27

HEARING:

Report Sale and Petition for Order Confirming Sale of Real Property.

COUNSEL:

DEBORAH S DAUGHTERS (PET)...ROBERTA L TAYLOR
JAMES ARTHUR DAUGHTERS SR (DEC)...
WILBUR E DAUGHTERS JR (PET)...MARVIN B OSBAND
FRANCINE A VASQUEZ (TP)...MARVIN B OSBAND
CAROLYN J SCHAUF (CAROLYN J SCHAUF.)...CAROLYN J

Address: Unimproved property (14.74 acres) in Sage, CA (unincorporated area of Hemet).

Appraised Value: \$125,000.00

Sale price: \$129,000.00

First overbid: \$135,950.00

Deposit: **\$10,000.00 – insufficient (should be \$12,900). However, buyers are to deposit an additional \$22,000 before close of escrow and a Purchase Money First Trust Deed is to be filed to secure a note in the amount of \$97,000 in the favor of decedent's estate. JTD.**

Commission: Unimproved property at 8% = \$10,320.00.

Additional bond: **Current bond is \$48,000. Petitioner requests additional bond of \$59,000 for a total bond of \$107,000. Appears sufficient. However, Petitioner indicates as it is impossible to block the \$97,000 promissory note or the 12 monthly interest payments, petitioner is requesting that \$55,100 be ordered deposited into a blocked account at Bank of America in Yorba Linda, CA. On**

10/07/09, Court ordered that all proceeds from sale of estate property were to be deposited into a blocked account. Unsure if petitioner is proceeding with a blocked account or additional bond. JTD.

Reason for Sale: Petitioner alleges the sale is to the advantage of the estate and in the best interest of the interested persons.

Exposure to Market: Listed in MRMLS (listing service), flyers and posted signage.

Notice: Ok including publication.

Future Hearing Dates: 8/24/10 Accounting Review

(vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH **CONSERVATORSHIPS**

DATE: 06/01/10 TIME: 10:30 DEPT: S33P

CASE#: **CON DS1000097**

CASE NAME: ROSALIE U. VALONA

HEARING:
Petition for Appointment of Conservator

	COUNSEL:
JESSE VALONA	(CPE)...CURTIS R AIJALA
PATRICIA VALONA	(CPE)...CURTIS R AIJALA
ROSALIE U VALONA	(CEP)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION

Ex Parte/Temporary orders granted 04-28-10, \$495,000 bond. DonnaSue Smith-Ortiz appointed for conservatee. Referred to Court Investigator for investigation and report.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservatorship of person and estate by Jesse and Patricia Valona.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Temporary Conservatorship not in file.
2. Petitioner seeks Pr. C. 2590 powers to sell real and/or personal property, including conservatee's primary residence and proceeds to be used for Conservatee's care and personal needs. Suggest Court require a separate petition after appointment with required showing per Pr. C. 2540 et seq. JTD
3. Petitioner seeks medical and dementia powers. Medical Capacity Declaration filed in support. However, need attachment GC-313 – Special Orders re: Dementia to Medical Capacity Declaration.
4. Section 5 of Capacity Declaration is incomplete. Need completion of same.
5. Section 18 of Confidential Conservatorship Screening form is incomplete. Need completion of same.
6. Report of court appointed counsel, Donna Sue Smith-Ortiz, filed.
7. Court Investigator's Report filed.
8. Citation returned served.
9. Certificate of Completion re Conservatorship Class filed.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for Compliance Review for **01-04-11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Care Plan per Pr.C.§2352.5; Inventory & Appraisal, and proof of service of I&A and Instructions for Objection per Pr.C.§2610; recordation of letters if applicable per Pr.C.§2313.

Set hearing re Accounting Review for **08-09-11**. Any accounting to be filed 30 days in advance.

(vet/abs)

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 10:30 DEPT: S33P

CASE#: **CON DS1000103**

CASE NAME: MTR OF GLORIA HORTENCIA PEREZ

HEARING:

Petition for Appointment of Conservator

COUNSEL:

JOSE JESUS PEREZ (PET)...PRO/PER

GLORIA HORTENCIA PEREZ (CEP)...CRAIG M PARKER

JOSE JESUS PEREZ (CPE)...PRO/PER

GENERAL INFORMATION

Temporary conservatorship or person and estate was granted on 5/4/10, no bond.

THIS CASE IS SET FOR HEARING ON

Petition for conservatorship, person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests no bond on basis he is spouse of the proposed conservatee, estate real property is community, and petitioner needs to refinance the property. Estimated bondable estate is \$23,811 personal property and bond would be \$27,000 including cost of recovery. JTD.
2. Petitioner requests Pr.C. 2590 powers to execute loan docs to refinance real property and to manage community property.
3. Petitioner requests Pr.C. 2351 et seq powers to make medical decisions. Medical capacity declaration filed.
4. Return of citation filed. Proposed conservatee is vegetative.
5. CI report filed.
6. Need certificate of completion of conservator training class.

RECOMMENDATION

Need to clear notes. If approved, set hearing for filing of inventory and appraisal, care plan and proof of recordation of letters, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for **1/4/11**. Set accounting review for **8/9/11**.

Superior Court of Calif, County of San Bernardino
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CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 10:30 DEPT: S33P

CASE#: **CON DS1000105**
CASE NAME: JOHN WILLIAM WARNE

HEARING:

Petition for Appointment of Conservator

COUNSEL:

HARRY E WARNE (CPE)...EDWARD B FISCHER & ASSOCIATES
JOHN WILLIAM WARNE (CEP)...

GENERAL INFORMATION

Temporary conservatorship or person and estate was granted on 5/18/10, no bond.

THIS CASE IS SET FOR HEARING ON

Petition for conservatorship, person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests no bond on basis proposed bond nominated petitioner and waived bond in a durable power of attorney (attached to petition). However, entire document is not provided. Estimated value of estate is "unknown." Need verified supplement providing entire durable power of attorney to ensure that it is a valid document.
2. Nee report of appointed GAL, James Church.
3. Petitioner does not request medical powers yet a medical capacity declaration is filed. Note conclusion of physician.
4. Notice of acknowledgement of receipt filed on behalf of proposed conservatee. Need attendance of proposed conservatee or basis for non-appearance.
5. CI report filed. Addendum filed 5/24/10.
6. Need certificate of completion of conservator training class.
7. **Objection to temporary and general conservatorship filed by proposed conservatee (via retained counsel).**

RECOMMENDATION

Need to clear notes. If approved, set hearing for filing of inventory and appraisal, care plan and proof of recordation of letters, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for **1/4/11**. Set accounting review for **8/9/11**.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 10:30 DEPT: S33P

CASE#: **CON DS1000107**

CASE NAME: CAROLINE VARGAS MORA

HEARING:
Petition for Appointment of Conservator

COUNSEL:

JOEL SALVADOR MORA (CP)...JOSEPH P FOLEY
MARICELA VARGAS MORA (CP)...JOSEPH P FOLEY
CAROLINA VARGAS MORA (CTP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Limited Conservatorship, person only, by parents.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. No bond – person only.
2. Proposed conservatee is developmentally disabled. Court to appoint counsel and need report of same.
3. Petitioner seeks orders limiting conservatee's civil and legal rights to choose a residence, access confidential records, and consent to marriage, contract and make decisions concerning education.
4. Medical powers sought. Need Medical Capacity Declaration.
5. Need return of citation.
6. Court Investigator Report filed.
7. Need Inland Regional Center report.
8. Need Certificate of Completion re Conservatorship Class.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for Compliance Review for **01-04-11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); and Care Plan per Pr.C.§2352.5.

(vet/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 10:30 DEPT: S33P

CASE#: **CON PS0900173**

CASE NAME: LINDA R. DUBAS

HEARING:
Petition for ORDER DIRECTING TRANSFER OF REAL PROPERTY TO TRUST

	COUNSEL:
MICHELLE DUBAS	(CP)...ADORNO YOSS ALVARADO & SMITH
MARISA DUBAS	(CP)...ADORNO YOSS ALVARADO & SMITH
LINDA R DUBAS	(CTP)...NOREEN T FONTAINE

MOOT – COURT GRANTED EX PARTE RELIEF ON 4/29/10

FUTURE HEARING:
9/16/10 Compliance

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 10:30 DEPT: S33P

CASE#: **PRO PS0900643**

CASE NAME: MTR OF JOSEPH BRUCE FISK JR

SEE ALSO 22

HEARING:

Report Sale and Petition for Order Confirming Sale of Real Property.

COUNSEL:

ALAN CARROLL (PET)...EDWARD B FISCHER & ASSOCIATES

JOSEPH BRUCE FRISK JR (DEC)...

CAROL BOLTON (TP)...PRO/PER

ROBERT MOENTENICH (PRO/PER)...PRO/PER

Address: 17386 Reed Street, Fontana, CA 92335

Appraised Value: \$55,000.00

Sale price: \$50,000.00

First overbid: **\$53,000.00. Section 10 of petition is miscalculated. Need correction of same via verified supplement.**

Deposit: \$5,000.00

Commission: None – Sale without broker.

Additional bond: **\$50,000 to be placed in blocked account per court order on 10/13/09. Court to set OSC re: Proof of Blocked Account and/or Deposited Funds.**

Reason for Sale: The sale is to the advantage of the estate and in the best interest of the interested persons.

Exposure to Market: None. Petitioner alleges house is in deplorable condition and there would not be interest in it on the open market, other than perhaps as a fixer-upper to an investor/contractor who would essentially offer nothing for it.

Notice: **Need proof of publication.**

Future Hearing Dates: 12/21/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 10:30 DEPT: S33P

CASE#: **RC RS00025**

CASE NAME: SHARON K DROLL

HEARING:

Conservatorship Compliance Review Hearing on PETITION of MANNING

COUNSEL:

ALBERT DROLL	(PET)...PRO/PER
MARIA DROLL	(PET)...PRO/PER
SHARON K DROLL	(PCE)(CTP)
MELINDA A MANNING	(PET)...DALE K BETHEL
CONNIE J MANNING	(CP)...LAW OFFICE OF DALE K BETHEL

GENERAL INFORMATION

**Continued from 04-13-10 due to non-appearances and documents not being filed.
Notice given by courtroom clerk. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Inventory & Appraisal/Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Connie Manning appointed successor conservator of the person only on 09-01-09.
2. Care Plan filed on 5/11/10, despite the court waiving the requirement as conservatee is a client of IRC.
3. Court Investigator 6 month report filed.

RECOMMENDATION:

Court's discretion.
(vet/vet/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 10:30 DEPT: S33P

CASE#: **RC RS00132**

CASE NAME: IN THE CONSERVATORSHIP OF HELEN M BENTLEY(SUCCE

HEARING: SIXTH Account and Report of DIANE L CHUHA and Petition for allowance of fees filed.

COUNSEL:
DIANE L CHUHA (PET)...VARNER & BRANDT, LLP
HELEN M BENTLEY (PCE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 6th account current and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting period 03-01-08 to 02-28-10 (2 years).
2. Assets on hand \$233,362.52 consisting of cash and preneed burial trust.
3. Conservator requests fees of \$5,356.25. Billed at \$25/hour for 214.25 hours. Itemized. JTD.
4. Attorney requests fees of \$3,197.50. Billed at \$225-\$300/hour for 5.4 hours attorney time and \$125/hour for 13.7 hours paralegal time. Itemized. JTD.
5. Conservator requests reimbursement of mileage totaling \$832.00. Itemized. However, the Conservator may not be reimbursed for the expenses of his or her trip, unless the Conservator is waiving his or her fees. Local Rule 2-1406(d).
6. Need copies of investment/bank statements to support cash balances on hand per Pr.C. §2620(c)(2) for U.S. Bank CD Acct. XXXXX33.
7. Need residential facility statements and/or written verification of rent per Pr.C. §2620(c)(5).
8. NOTE: Review of the court file does not include the Post Move Notice of Change of Residence of Conservatee filed on 12/31/09. Please provide a conformed copy. Court may wish to deem copy an original.
9. The last court investigator's report filed is dated 12-18-07. Court may wish to inquire if a new evaluation report will be filed.

10. Bond currently set at \$231,298.57. Petitioner requests additional bond in the amount of \$64,671.43 be set for a total bond of \$295,970.00. Appears sufficient. Suggest bond of \$296,000.00 (includes recovery costs). JTD.
11. NOTE: Review of the file does not include additional Surety Bond Issued 05/13/08 in the amount of \$73,998.57 and filed on 06-03-08. Please provide a conformed copy. Court may wish to deem copy as original.

RECOMMENDATION:

Need to clear notes. If approved, Court may wish to set the next hearing re Accounting Review for **06-07-11** or a biennial Accounting Review for **06-05-12** per Pr.C.§2620(a). Any accounting to be filed 30 days in advance.

(vet/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 10:30 DEPT: S33P

CASE#: **SC SS02575**

CASE NAME: MTR OF DOROTHY A. ARCHIBALD

SEE ALSO 38

HEARING:

FIRST AND FINAL Account and Report of MARIE E YOUNG and Petition
for allowance of fees filed.

COUNSEL:

WILLIAM B. JACOBS	(CPE)...	MARTIN E KELLER
DOROTHY A. ARCHIBALD	(CEP)...	MELVIN L FRIEDLAND
MARIE E YOUNG	(CPE)(PET)...	WILFRID C LEMANN
WILLIAM B. JACOBS	(PET)...	MARTIN E KELLER

GENERAL INFORMATION:

Conservatee died 12/20/209.

Continued from 4/29/10.

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for
allowance of fees filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Accounting covers period 6/4/09 – 2/15/10.
2. Assets on hand \$19,952.14 consisting of cash.
3. Petitioner requests fees of \$3,675.00 for 105 hours billed at \$35/hour. Itemized.
JTD.
4. Petitioner requests reimbursement for mileage of \$540. Billed at \$.50 for 1080
miles. Reimbursement for travel is not a reimbursable expense per local rule
20-1406(d). Court may wish to deny this request as fees are sought. **Supp:**
Request withdrawn.
5. Attorney requests fees of \$8,180.00 for 71.75 hours billed at \$250-\$300/hour for
attorney time and \$75-\$80/hour for paralegal time. Itemized. **Supp:**
Itemization increased to \$8,977.50 in preparation for continued hearing.
JTD.

6. Attorney requests costs in total amount of \$1,430.49, less amount of \$1,075.49 received, leaving balance due of \$355. Attorney requests court approve reimbursement received and order for balance due of \$355. JTD.
7. Petitioner requests authority to withhold \$1,000 as a reserve for closing costs.
8. Petitioner requests that after payment of amounts to successor conservator and attorney (Notes 3 – 6 above), the balance of the estate on hand for distribution be held as a reserve for payment to court-appointed attorney for conservatee, prior conservator, and prior conservator's attorney. JTD.
9. Petitioner states that conservatorship estate is now ready for final distribution and alleges that decedent left no surviving issue or next of kin. After payment of all amounts requested, the balance remaining on hand will not be sufficient to institute a probate proceeding. Petitioner requests authority to deliver remaining assets to the State Controller's office. However, the initial petition shows there are two sons, one name unknown and the other William Knopf. The petitioner could deposit the remaining funds with the County Treasurer for these individuals. JTD

RECOMMENDATION:

RFA subject to court's discretion re fees and costs and note 9. If approved, court to set hearing re receipts and final discharge for **6/7/11**.

(fhl/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/01/10 TIME: 10:30 DEPT: S33P

CASE#: **SC SS02575**

CASE NAME: MTR OF DOROTHY A. ARCHIBALD
SEE ALSO 37

HEARING:

THIRD & FINAL Account and Report of WILLIAM B. JACOBS and
Petition for allowance of fees filed.

COUNSEL:

WILLIAM B. JACOBS	(CPE)...	MARTIN E KELLER
DOROTHY A. ARCHIBALD	(CEP)...	MELVIN L FRIEDLAND
MARIE E YOUNG	(CPE)(PET)...	WILFRID C LEMANN
WILLIAM B. JACOBS	(PET)...	MARTIN E KELLER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Third & Final Account and Report and Petition
for allowance of fees filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Accounting covers period 10/18/07 – 6/4/09.
2. No assets on hand at end of account.
3. Petitioner requests fees of \$1,242.5 for 35.5 hours billed at \$35/hour. Itemized.
JTD.
4. Petitioner requests reimbursement for mileage of \$200.50. Billed at \$.50 for
401 miles. Reimbursement for travel is not a reimbursable expense per local
rule 20-1406(d). Court may wish to deny this request as fees are sought.
5. Attorney requests fees of \$1,125.00 for 4.5 hours billed at \$250/hour. Itemized.
6. Attorney requests costs in total amount of \$875.00, for payment of court filing
fee and bond. JTD.
7. Need notice of hearing.

RECOMMENDATION:

Need notice. If approved, court to set hearing re final discharge for **6/7/11**.
(fhl)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

PROBATE

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO DS1000138**

CASE NAME: MICHAEL TOURNE LIER

VACATED- PETITION GRANTED ON 05/05/10.

HEARING:

Hearing re: Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

MADONNA M. LIER (PET)...STAFFORD,SHEA & HELD
MICHAEL TOURNE LIER (DEC)...

FUTURE HEARINGS:

7/05/11 Accounting Review

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO DS1000304**

CASE NAME: MTR OF DARIUS TRENT RIVERA

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

D TRENT RIVERA (PET)...CHRISTOPHER B JOHNSON
DARIUS TRENT RIVERA (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests \$261,000 bond based upon estate value of same. Appears sufficient.

RECOMMENDATION:

RFA, \$261,000 bond. If approved, set future hearing for Accounting Review on **08/09/11**. Accounting to be filed 30 days in advance. Note requirements of Local Rule 20-908.

(vet/abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO DS1000314**

CASE NAME: MTR OF DOYLE WILLIAM BADER

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary w/Full Authority Under IAEA..

COUNSEL:

ALICE HARRIET BADER (PET)...BRUNICK MCELHANEY & BECKETT
DOYLE WILLIAM BADER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary with full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.

RECOMMENDATION:

RFA, no bond. If approved, set future hearing for Accounting/Status Review on **08/09/11**. Any accounting to be filed 30 days in advance. Note requirements of Local Rule 20-908.

(vet/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700216**

CASE NAME: MTR OF JOHN K WRIGHT

HEARING:

FIRST Account and Report of IRVIN KAY WRIGHT and Petition for allowance of fees filed.

COUNSEL:

IRVIN KAY WRIGHT	(PET)...PRO/PER
JOHN K WRIGHT	(DEC)...

GENERAL INFORMATION

Continued from 03/24/09 at request of counsel to file proof of service.

Continued from 04-21-09. Counsel indicates estate is not in a condition to close.

THIS CASE IS SET FOR HEARING ON accounting review and/or status report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 05-08-07, no bond.
2. No accounting or status report of administration filed. Need same.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. No bond company to notice.

(NMT/cbr/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700330**

CASE NAME: RICHARD H COFFEY

SEE ALSO 6

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

LINDA ANN MEENTS	(PET)...	CHRISTINA FERRANTE
RICHARD H COFFEY	(DEC)...	

See next page.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700330**

CASE NAME: RICHARD H COFFEY

SEE ALSO 5

HEARING:

FIRST AND FINAL Account and Report of LINDA ANN MEENTS and
Petition for allowance of fees filed.

COUNSEL:

LINDA ANN MEENTS (PET)...CHRISTINA FERRANTE
RICHARD H COFFEY (DEC)...

GENERAL INFORMATION

Continued from 04-27-10 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON

Petition for final distribution upon waiver of accounting and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 9/20/07.
2. Petitioner is sole beneficiary who waives accounting.
3. Petitioner and former atty waive compensation.
4. Atty requests \$7,958.66 statutory fees. Calculated.
5. Final I&A filed but bank statements have never been filed. Per 3/30/10 Minute Order, court was advised that statements were attached. They are not. Does court wish to require correction.?
6. Did decedent have a predeceased spouse who received Medi-Cal benefits?
Need verified supplement.

RECOMMENDATION

RFA subject to notes 5 and 6. if approved, set hearing re receipts and final discharge for 6/7/11.

(abs/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700896**

CASE NAME: NELLIE WANITA JENSEN

HEARING:
Accounting Review

COUNSEL:
PUBLIC ADMINISTRATOR (PET)...HORSPOOL & PARKER
NELLIE WANITA JENSEN (DEC)...
DEPARTMENT OF HEALTH SERVICES (TP)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 10-25-07, no bond.
2. No accounting and/or updated status report is filed

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. No bond company to notice.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700901**

CASE NAME: JUANITA COLLIER

HEARING:
Probate status report filed.

COUNSEL:

DONNA M TATE	(PET)...
JUANITA COLLIER	(DEC)...
LAWRENCE A DEAN II	(PET)...SHERRI L KASTILAHN
JAMES R COLLIER	(PET)...LAYNE A BARTHOLOMEW
RICHARD RAYMOND COLLIER	(TP)...LAYNE A BARTHOLOMEW
GERALD E COLLIER	(LAYNE A BARTHOLOMEW)...LAYNE A B
MELODIE Z SCOTT	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

Continued from 08/26/09, 11/30/09 for proper notice.

Continued from 01-07-10. Current buyer backed out. Counsel indicates there will be another buyer.

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges the estate is not in a condition to be closed as the real property has not been sold.
2. Petitioner requests an additional 6 months to close the estate.

RECOMMENDATION:

Court's discretion. If approved, set hearing for the next status report and/or account for **8/9/11**. Any accounting to be filed 30 days in advance.
(vet/cbr/fhl/gls/vet)

FUTURE HEARING:

6/09/10 Additional Bond

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700946**

CASE NAME: JOHN ROBERT MONTOYA SPECIAL NEEDS TRUST

HEARING:
Accounting Review

COUNSEL:
VIRGINIA M CEBALLOS (PET)...JAMES B CHURCH

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter set at status report hearing re: Creation of SNT held 04-29-09.
2. No accounting and/or updated status report is filed.

RECOMMENDATION:

When the trustee does not file an accounting as required, the court shall take action as specified in Pr.C. § 800 and C.C.P. 128.
(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0701094**

CASE NAME: WILMA MCDANIEL

HEARING:
Probate status report filed.

COUNSEL:
JOHNNIE COOPER (PET)...MARK E. LEWIS
WILMA MCDANIEL (DEC)...
DEPARTMENT OF HEALTH CARE SERV(TP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges the estate is not in a condition to be closed as the real property has not been sold.
2. Petitioner requests an additional 6 months to close the estate.
3. File notice of hearing and proof of service in accord with Pr.C. § 12201. Whenever a status report is filed without an accounting, notice must indicate a right to an accounting in accord with Pr.C. § 10950. **This form of notice is mandatory**

RECOMMENDATION:

RFA subject to note 3. Set hearing for the next status report and/or account for **08-09-11**. Any accounting to be filed 30 days in advance.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0800004**

CASE NAME: JACKIE RAY LANG

HEARING:
Hearing re Final Discharge

	COUNSEL:
SHANNON LANG	(PET)...ALON DARVISH
JACKIE RAY LANG	(DEC)...

GENERAL INFORMATION

Continued from 02-08-10 due to non-appearances. Court sets OSC re Failure to Appear/Failure to file required documents. Notice given by courtroom clerk.

Continued from 03-23-10 at request of counsel to submit necessary paperwork.

Continued from 04-27-10 due to non-appearances. Court orders Shannon Long and Alon Darvish to appear at this hearing. Notice given by courtroom clerk. Nothing new filed.

THIS CASE IS SET FOR HEARING ON receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Final Account and distribution were approved on 4/21/09.
2. Need receipts of distribution.
3. Need Ex-parte Petition/Order for Final Discharge.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

(kra/vet/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0800662**

CASE NAME: PABLO BERNARDO RANGEL

HEARING:
Accounting Review

COUNSEL:
GUADALUPE MARIA HERRERA DE RAN(PET)...CHRISTINA FERRANTE
PABLO BERNARDO RANGEL (DEC)...
CHRISTINE P SNAPP (TP)...PATTERSON HANNA & ASSOC
HEIDI H ROMEO (VARNER & BRANDT, LLP)...VARNER &
STATE OF CALIFORNIA FRANCHISE (PRO/PER)...PRO/PER

GENERAL INFORMATION:

Continued from 02-09-10 at request of counsel to investigate business assets coming in.
Continued from 04-27-10 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 12-04-08, no bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

Court may wish to trail matter to 06-10-10 to coincide with Inventory and Appraisal hearing set that date. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. No bond company to notice.

(vet/vet/vet)

FUTURE HEARING:
6/10/10 Inventory & Appraisal

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900378**

CASE NAME: MTR OF ADALBERTO NODARSE

HEARING:

REPORT OF ADMINISTRATION & WVR OF Account and Report of YOLANDA
E NODARSE and Petition for allowance of fees filed.

COUNSEL:

YOLANDA E NODARSE (PET)...JAMES J MENTAS

ADALBERTO NODARSE (DEC)...

GENERAL INFORMATION:

Continued from 04-20-10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition for final distribution upon waiver of
account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner waives statutory compensation.
2. Attorney requests reduced statutory compensation of \$6,753.00.
3. Attorney requests reimbursement of costs of \$383.00. Itemized.
4. The estate is without funds to pay attorney's fees and advanced costs.
Petitioner requests that the currently acting trustees of the Adalberto and
Yolanda E. Nodarse Trust advance the funds to the estate to pay such
expenses. Petitioner also proposes the Trust to pay for all closing expenses of
administration, preparation of the final fiduciary income tax returns, if necessary
and for any liabilities that may be determined to be due from the estate. For this
reason no reserve is being requested. JTD.

RECOMMENDATION

RFA subject to Court's determination re note 6. If approved, set hearing re receipts and
final discharge for **06-07-11**.

(vet/vet/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900520**

CASE NAME: GEORGIA M WATTS

HEARING:

REPORT OF STATUS OF ADMINISTRATION WAIVER OF Account and Report
of KATRINA WATTS and Petition for allowance of fees filed.

COUNSEL:

KATRINA WATTS (PET)...MAUREEN MURATORE
GEORGIA M WATTS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for final distribution upon waiver of
account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive accounting.
2. Petitioner waives statutory compensation.
3. Attorney requests reduced statutory compensation in the amount of \$9,000.00.
4. Petitioner requests authority to withhold \$1,000 as a reserve for closing costs.
5. Petitioner states 1 creditor claim was negotiated and paid for. However, there is an additional claim from Foothill Federal Credit Union for \$7,760.07 filed on 11-24-09. There are no allowances or rejection notices in the file regarding this claim. Need verified supplement confirming status of this claim.
6. Final Closing Statement filed. Question disbursement for \$1,800 to Gina Moga. Need clarification via verified supplement.
7. Need statement regarding notice to Franchise Tax Board or notice per Pr. C. § 9202(c)(1).

RECOMMENDATION

Need to clear notes. If approved, Court to set hearing re filing of receipts and final discharge for **06/07/11**.

(vet/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **RPR RS02958**

CASE NAME: SUSAN L PEARRE

HEARING:
Accounting Review

COUNSEL:	
JEFFREY PERARRE	(PET)...LAYNE
SUSAN L PEARRE	(DEC)...
MATTHEW PEARRE	(OBJ)...
MACK PEARRE	()...

GENERAL INFORMATION:

Continued from 03-23-10 at request of counsel. Counsel has located a receiver and will submit order for appointment.

Continued from 04-27-10. Counsel has receiver and is working on the order which will be submitted for signature next week (since submitted).

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 06-11-08, no bond.
2. No accounting and/or updated status report is filed.
3. Atty Bartholoneu has submitted a Judgment on Complaint for Partition of Real Property and Sale and Order Appointing receiver which appears sufficient on its face but is subject to the court's review re whether it comports with the court's intentions when, on 3/27/09, it heard testimony and directing counsel to submit a judgment for appointment of receiver (see Minute Order at orange tab in file).

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. No bond company to notice.

(vet/vet/vet/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 9:00 DEPT: S34P

CASE#: **VPR VS002910**

CASE NAME: ESTATE OF HELEN ELIZABETH MAURY

HEARING:

FIRST AND FINAL Account and Report of LA REINA GLENN and
Petition for allowance of fees filed.

COUNSEL:

LA REINA GLENN (PET)...MARTIN E KELLER

HELEN ELIZABETH MAURY (DEC)...

VALERIE C JOHNSON (PET)...MARTIN E KELLER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account on behalf of La Reina Glenn (deceased).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. La Reina Glenn appointed Special Administrator on 02-24-06, \$130,000 bond. Letters Testamentary issued on 04-09-07. Review of the file indicates La Reina Glenn, prior administrator, is deceased.
2. Petitioner requests statutory fees to be reserved pending the filing of the petition to close the estate. JTD.
3. Attorney does not request fees.
4. Beginning and ending dates for accounting periods are not identified. File verified supplement. Pr. C. § 1061(a).
5. Real property was sold during the administration of the estate. Need copy of escrow closing statements per Local Rule 20-910.
6. Accounting does not include proposed distribution. Need same per Pr. C. § 1063(f).
7. Petition indicates that federal and state income taxes remain outstanding.
8. Need Notice of Hearing with proof of service.

RECOMMENDATION:

Need to clear notes. If approved, court to set hearing on filing of receipts and final discharge (as to LaReina Glenn) for **06-07-11**.

NOTE: Letters re Successor Administrator, Valerie C. Johnson, have not been issued.

(vet)

FUTURE HEARING:

2/9/11 Accounting Review re Successor Administrator

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN **CONSERVATORSHIPS**

DATE: 06/01/10 TIME: 10:30 DEPT: S34P

CASE#: **CON DS1000038**

CASE NAME: MICHAEL MACGRUDER

HEARING:
Petition for Appointment of Conservator

COUNSEL:
SHARON OTT (CPE)...JASON L GAUDY
MICHAEL MAGRUDER (CEP)...

GENERAL INFORMATION

Continued from 3/23/10. Counsel advised that he would be speaking with family members and that there may be no need for conservatorship.

Continued from 04-27-10 due to non-appearance. Court directs counsel to inform the court re: status of need for conservatorship. Notice given by courtroom clerk.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Limited Conservatorship of person and estate by daughter.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests appointment of limited conservator. However, sections 1(h) to 1(j) of the petition are not completed and there are no attachments specifying requested orders, powers and duties being sought. Need verified supplement.
2. Nomination and Consent to Appointment of Sharon Ott (petitioner) as Conservator of the Person and Estate and as Temporary Conservator, Waiver of Personal Notice signed by proposed conservatee and attached to petition filed 02-18-10 (pink tab). Need return of citation per Pr. C. § 1823. Also, need attendance of proposed conservatee or basis for non-appearance.
3. Petitioner seeks medical powers. Medical Capacity Declaration filed in support. However sections 1, 2, 3, & 4(a) are incomplete. Need completed Medical Declaration.
4. Petitioner requests bond be fixed at \$112,000, includes costs of recovery. Appears sufficient. JTD.
5. Need appointment of counsel and report of same.
6. Conservatee is developmentally disabled. Need IRC Report.

7. Need Certificate of Completion re: Conservatorship Class.
8. CI report filed.

RECOMMENDATION:

Need to clear notes, \$112,000 bond. If approved, set hearing for Compliance Review for **01-04-11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Care Plan per Pr.C.§2352.5; Inventory & Appraisal, and proof of service of I&A and Instructions for Objection per Pr.C.§2610; recordation of letters if applicable per Pr.C.§2313.

Set hearing re Accounting Review for **08-09-11**. Any accounting to be filed 30 days in advance.

(vet/abs/vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 10:30 DEPT: S34P

CASE#: **CON DS1000100**

CASE NAME: LORENA ISAMAR HERNANDEZ

HEARING:
Petition for Appointment of Conservator

COUNSEL:
MARIA HERNANDEZ (CP)...PRO/PER
RODRIGO HERNANDEZ (CP)...PRO/PER
LORENA ISAMAR HERNANDEZ (CTP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Limited Conservatorship, person only, by parents.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No bond – person only.
2. Co-petitioner, Rodrigo Hernandez, has not signed petition. Need same.
3. Section 11 of the petition does not list complete addresses for relatives. Need completion of same.
4. List of Required Contacts form does not list complete address for relatives. Need verified supplement.
5. Proposed conservatee is developmentally disabled. Court to appoint counsel and need report of same.
6. Petitioner requests limited conservatorship powers under Pr.C.§2351.5 specifically the right to make decisions as to conservatee's choice of residence, access to confidential records, consent to marriage, to contract and decisions concerning education.
7. Petitioner seeks orders limiting conservatee's civil and legal rights to choose a residence, access confidential records, and consent to marriage, contract and make decisions concerning education.
8. Return of citation filed but it does not indicate date of service. Need correct return of citation.
9. Medical powers sought. Medical Capacity Declaration filed.

10. Court Investigator report filed.
11. Need Inland Regional Center report. **IRC has submitted a letter requesting a two week continuance to prepare report.**
12. Certificates of Completion re: Conservatorship Class filed.
13. Petitioner requests waiver of Court Investigator's fees on basis it would impose a financial burden to conservatee's estate as conservatee's monthly income is \$770 from SSI. JTD.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for Compliance Review for **01-04-11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); and Care Plan if applicable per Pr.C.§2352.5.

(vet/abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 10:30 DEPT: S34P

CASE#: **CON DS1000102**

CASE NAME: DERK PAUL CALLEROS

VACATED- CASE DISMISSED.

HEARING:
Petition for Appointment of Conservator

COUNSEL:
PAULA KAREN CALLEROS (CPE)...REGINALD E ALBERTS
DEREK PAUL CALLEROS (CEP)...

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 10:30 DEPT: S34P

CASE#: **CON DS1000106**

CASE NAME: WILLIAM NELSON

HEARING:
Petition for Appointment of Conservator

COUNSEL:
INLAND COUNTIES REGIONAL CENTE(CE)...LAYNE A BARTHOLOMEW
WILLIAM NELSON (CTE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservatorship,
estate only, by IRC.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No bond - IRC.
2. Need Court Investigator's Report.
3. Return of Citation filed. Need appearance of proposed conservatee or basis for non-appearance..
4. Need Notification to Court of Address on Conservatorship form.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for Compliance Review for **01-04-11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Inventory & Appraisal, and proof of service of I&A and Instructions for Objection per Pr.C.§2610; recordation of letters if applicable per Pr.C.§2313.
Set hearing re Accounting Review for **08-09-11**. Any accounting to be filed 30 days in advance.

(vet/abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 10:30 DEPT: S34P

CASE#: **CON DS1000108**

CASE NAME: BEATRIZ LOPEZ MENDOZA

HEARING:
Petition for Appointment of Conservator

COUNSEL:
PRIMITIVA MENDOZA ASCENCIO (CP)...JOSEPH P FOLEY
SARAH ARZATE MENDOZA (CP)...JOSEPH P FOLEY
MARIA HERNANDEZ MENDOZA (CP)...JOSEPH P FOLEY
BEATRIZ LOPEZ MENDOZA (CTP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Limited Conservatorship, person only, by mother and siblings.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No bond – person only.
2. Proposed conservatee is developmentally disabled. Court to appoint counsel and need report of same.
3. Petitioner requests limited conservatorship powers under Pr.C.§2351.5, specifically the right to make decisions as to conservatee's choice of residence, access to confidential records, consent to marriage, to contract and decisions concerning education.
4. Petitioner seeks orders limiting conservatee's civil and legal rights to choose a residence, access confidential records, and consent to marriage, contract and make decisions concerning education.
5. Need return of citation
6. Medical powers sought. Need Medical Capacity Declaration.
7. Court Investigator report filed.
8. Need Inland Regional Center report.
9. Need Certificate of Completion re: Conservatorship Class.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for Compliance Review for **01-04-11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); and Care Plan if applicable per Pr.C.§2352.5.

(vet/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0800208**

CASE NAME: MTR OF MARIE C SPANGLER

VACATED AND RESET ONTO 06/07/10.

HEARING:

FIRST Account and Report of LINDA SPANGLER and Petition for allowance of fees filed.

COUNSEL:

LINDA SPANGLER (CPE)...JAMES B CHURCH
MARIE C SPANGLER (CEP)...HARTNELL LISTER & MOORE
MARIE C SPANGLER (CPE)...JAMES B CHURCH & ASSOCIATES
PATRICIA A SPANGLER, PHD (OBJ)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 1st account current and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Temporary Conservatorship, person and estate, issued to Linda Spangler on 08-20-08, \$54,000 bond. General Letters of Conservatorship, person and estate, issued to Linda Spangler on 10/16/09, no additional bond ordered.
2. Accounting period covers 08-13-08 to 10-15-09 (1 year, 2 months).
3. Assets on hand \$3,524.07 consisting of cash.
4. Bond in the amount of \$54,000 posted. However, it appears conservatee's yearly income approximates \$70,609.56 consisting of annuity and pension payments. Suggest additional bond of \$24,000 for total bond of \$78,000 (includes recovery costs). JTD.
5. Petitioner is not requesting compensation at this time. However, conservatee reserves and retains the right to request payment for her services in the future.
6. Petitioner requests Court approval for advancements and reimbursements on behalf of the conservatorship estate. Not itemized. Need same.
7. Attorney requests fees of \$13,020.00. Billed at \$250-\$275/hour for 30.35 hours attorney time and \$75-\$100/hour for 61.70 hours paralegal time. Itemized.

- Question how counsel intends to be compensated as there does not appear to be sufficient assets on hand? Need verified supplement.
8. Attorney requests reimbursement of costs advanced of \$1,101.50. Itemized.
 9. The property on hand at the beginning of the period covered by this account does not state the value of the property initially received by the fiduciary (\$7,394.03). Need corrected/amended accounting.
 10. There is \$17,051.55 in payments for various charge accounts for which petitioner alleges was incurred by conservatee and Patricia Spangler. Question the current balances and status of the liabilities. Need verified supplement.
 11. Petitioner maintains the American Express card balance (unspecified) was solely the responsibility of Patricia Spangler. Does Court wish to require statements of all credit card liability? JTD.
 12. Petitioner alleges Patricia Spangler has been unemployed and living rent free in conservatee's home, has not contributed to conservatee's financial stability and maintains that many of the expenses associated with the real property were not necessarily for the benefit of the conservatee but rather for the benefit of Patricia Spangler. Petitioner asserts that conservatee has been unwilling to allow the conservator to bring any action for recovery or to institute eviction proceedings against Patricia Spangler, despite ongoing demands and multiple additional problems caused by Patricia Spangler. It is the position of the Conservator that a suit against Patricia Spangler would likely be useless as conservatee permitted Patricia to use the credit cards and Patricia Spangler is likely judgment proof. As conservatee has court-appointed counsel, require report of same.
 13. Met-Life Annuity valued at approximately \$30,000 does not appear to be listed on schedule of receipts. Question if Met-Life and Consecro are the same annuity? Need verified supplement.
 14. Schedule A – Receipts reflects withdrawal of funds from MetLife Annuity in the amounts of \$7,500 and \$12,000. Need further clarification via verified supplement.
 15. After review of the 1st account current, the following are inquires which require further clarification via a verified supplement:
 - a. Question if payments to City of Loma Linda totaling \$1,961.76 are utilities?;
 - b. S & J Services totaling \$124.49;
 - c. Cathy Lee for \$25.00;
 - d. Met Life Insurance premiums for Linda and Patricia Spangler totaling \$1,704.00;
 - e. Tom Murphy for \$365.00;
 - f. A & E Factory Services for \$162.20.
 16. Need Notice of Hearing with proof of service.

RECOMMENDATION:

Need to clear notes and additional bond of \$24,000. Court to set OSC re Additional Bond. If approved, Court may wish to set the next hearing re Accounting Review for **06/07/11** or a biennial Accounting Review for **06/05/12** per Pr.C. §2620(a). Any accounting to be filed 30 days in advance.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0800218**

CASE NAME: CHARLES FRANCIS GUZY

HEARING:

FIRST Account and Report of CHARLES ALAN GUZY, STEVEN JOSEPH GUZY and Petition for allowance of fees filed.

COUNSEL:

CHARLES ALAN GUZY	(CPE)...	WILLIAM M NASSAR & ASSOCIATES
CHARLES FRANCIS GUZY	(CEP)...	JAMES B CHURCH
STEVEN JOSEPH GUZY	(PCR)...	WILLIAM M NASSAR & ASSOCIATES
CHARLES ALAN GUZY	(PET)...	WILLIAM M NASSAR & ASSOCIATES
STEVEN GUZY	(PET)...	WILLIAM M NASSAR & ASSOCIATES

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 1st account current and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Charles A. Guzy and Steven J. Guzy appointed temporary co-conservators, estate only on 09/02/08. Charles A. Guzy and Steven J. Guzy appointed general conservatorship, person and estate, on 04-01-09, \$77,000 bond.
2. Accounting period covers 09-18-08 to 09-17-09. However, accounting does not cover period of temporary conservatorship 09-02-08 through 09-17-08. Need amended/corrected accounting.
3. Assets on hand \$367,508.68 consisting of \$508.68 in cash, remainder in personal and real property.
4. Petitioners reserve their right to receive compensation for services provided.
5. Attorney E. Joan Nelms requests fees of \$10,102.00. Billed at \$275/hour for 32 hours attorney time and \$105/hour for 12.50 hours paralegal time. Itemized. JTD.
6. Attorney requests reimbursement of costs advanced of \$41.00. Itemized.
7. Attorney (now with William M. Nassar & Assoc.) requests fees of \$1,173.00. Billed at \$275/hour for 4 hours attorney time and \$105/hour for .70 hours paralegal time. Itemized. JTD.

8. Attorney requests reimbursement of fax costs advanced of \$13.00. Itemized. However, this court does not ordinarily allow costs considered overhead. Local Rule 20-1406. JTD.
9. Need Summary of Account per Pr. C. § 1060 et seq.
10. Schedule C - Disbursements indicate mileage and travel reimbursements totaling \$2,610.00 to Charles Guzy. Reimbursements for expenses of mileage and trips do not qualify unless the Conservator is waiving his fees. Local Rule 20-1406 (d). Does Court wish to require co-conservator to reimburse the estate in amount of \$2,610.00? JTD.
11. Schedule C – Disbursements require further clarification as to the following via verified supplement:
 - a. Legacy Rehab totaling \$640.00;
 - b. Lot rent for Coulston Lot to Patrick Aso totaling \$4,050.00;
 - c. Monique Claphan totaling \$760.00;
 - d. Charles Guzy – Pay for Lot Roof for \$100.00;
 - e. Interstate battery for Motor Home for \$33.00;
 - f. Elizabeth Miller – caregiver for \$700.00;
 - g. Norma Garcia – advances totaling \$1,600.00;
 - h. Bank of California – CC to Lew – Vehicle Purchase of 2009 Toyota SUV for \$15,000.
12. Schedule D – Loss reflects loss of unimproved real property located in Pinon Hills. Need verified supplement indicating the circumstances leading to the loss of real property.
13. Need residential facility statements and/or written verification of rent per Pr. C. § 2620(c)(5).
14. CRC Rules 7.754 and 7.703(e) require a statement of the paralegal's qualifications. Need verified supplement.
15. Need copies of investment/bank statements to support cash balances on hand per Pr. C. § 2620(c) for Union Bank Account XXXX-108 for periods of 01-21-09 through 05-18-09.

RECOMMENDATION:

Need to clear notes. If approved, Court may wish to set the next hearing re Accounting Review for **06-07-11** or a biennial Accounting Review for **06-05-12** per Pr.C. §2620(a). Any accounting to be filed 30 days in advance.

(vet/abs)

FUTURE HEARINGS:

6/30/10 Petition for TERMINATION OF CONSERVATORSHIP

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0900070**

CASE NAME: STEPHEN G RAMIREZ

HEARING:
Petition for ATTORNEY'S FEES (SECOND)

COUNSEL:

ANDREA RAMIREZ	(CPE)...HORSPOOL & PARKER
STEPHEN G RAMIREZ	(CEP)...JACK B OSBORN
ANDREA MARTINEZ	(CPE)...HORSPOOL & PARKER
STEPHEN G RAMIREZ	(PET)...HARTNELL LISTER & MOORE

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for fees and compensation.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner was court-appointed on 03-26-09. Petitioner alleges services have been rendered for which for which counsel has not been compensated.
2. Attorney requests fees of \$2,645.00. Billed at \$250-\$375/hour for 7.7 hours attorney time and \$75-\$125/hour for 1.1 hours paralegal time. Itemized.
3. I&A's filed 08-28-09 and 11-13-09 indicate assets on hand of \$1,622,028.73 consisting of cash and personal property. Assets appear to be sufficient for the fee request.

RECOMMENDATION:
Court's discretion.

(vet)

FUTURE HEARING:
7/12/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0900096**

CASE NAME: LESTER JAMES GRAHAM

HEARING:

Petition for OBJECTIONS TO INVENTORY AND APPRAISAL OF CONSERVATOR

COUNSEL:

DOROTHY M SMITH-GRAHAM (CPE)...ROBERT D SALISBURY
LESTER JAMES GRAHAM (CEP)...NOREEN FONTAINE
EILEEN T GRAHAM (OBJ)...PRO/PER
EILEEN T GRAHAM (GARY NAUGHTON)...GARY NAUG

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Objections to inventory and Appraisal of
Conservator

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatee's daughter, Eileen T. Graham, objects to the Final Inventory and Appraisal filed on 03-30-10 and alleges that such inventory does not list or appraise all assets of the conservatee's estate `such as stock certificates reflected on the 1997 probate settlement order (purple tab) from the estate of conservatee's brother, Walter C. Graham, Jr.
2. Petitioner indicates that the listed promissory note in the amount of \$146,830.43 does not exist. Petitioner concedes there was at one time a 1996 note in the amount of \$100,000 securing a loan made by conservatee to his children. However, Petitioner maintains that payments were made on that note, reducing the principal to approximately \$35,000, and on or about 09-27-08, conservatee terminated the obligation to make the remaining payments and fully forgave the outstanding balance of the note while in attendance of his daughter's wedding. Petitioner maintains the obligation has been satisfied and the note retired.
3. Petitioner declares that if conservator wishes to test the consideration for and validity of the termination of the loan repayment options, the proper forum and venue to initiate an action would be San Diego County.
4. Need Notice of Hearing with proof of service.

RECOMMENDATION:

Require notice, then set for evidentiary hearing.

(vet)

FUTURE HEARING:

11/9/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0900168**

CASE NAME: LAURIE ROWAN

SEE ALSO 27

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of JO ANN MANDRELL

COUNSEL:

JO ANN MANDRELL	(CPE)...DAVID M GROSSMAN
PAUL H MANDRELL	(CPE)...DAVID M GROSSMAN
LAURIE ROWAN	(CEP)...LAW OFFICE OF MITCHELL I ROTH

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Inventory & Appraisal/Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Jo Ann Mandrell and Paul H. Mandrell appointed temporary conservators, person and estate on 09-02-09. Mr. and Mrs. Mandrell appointed General conservators, person and estate on 10-27-09, \$25,000 bond.
2. Court Investigator 6 month report filed.
3. Care plan filed (tabbed).
4. Final I & A filed.

RECOMMENDATION:

Court's discretion.

(vet)

FUTURE HEARING:

1/4/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0900168**

CASE NAME: LAURIE ROWAN

SEE ALSO 26

HEARING:

Hearing Re: REVIEW

COUNSEL:

JO ANN MANDRELL	(CPE)...	DAVID M GROSSMAN
PAUL H MANDRELL	(CPE)...	DAVID M GROSSMAN
LAURIE ROWAN	(CEP)...	LAW OFFICE OF MITCHELL I ROTH

GENERAL INFORMATION:

Continued from 12-17-09 at request of Attorney Roth to get property profile and talk to client.

THIS CASE IS SET FOR HEARING ON Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Letters issued 10/29/09, bond in amount of \$25,000.
2. Matter set 10/27/09 at hearing for appointment of conservator. Attorney for conservatee made recommendation that Court require conservatee to file and serve a copy of all transfer documents for the real property owned by conservatee's parents prior to their death. Court made finding that Court needs declaration and report with receipts for the home filed and served by 11/17/09 and set review hearing for 12/17/09 with no appearance required if documents are filed. **Declaration filed 11-17-09.**

RECOMMENDATION:

Court's discretion.

(fhl/gls/vet)

FUTURE HEARINGS:

01/04/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/01/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0900190**

CASE NAME: MTR OF AMBROSE J DIDELOW

VACATED- TERMINATION OF CONSERVATORSHIP GRANTED ON 05/03/10.

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of CARRIE M CHELBERG

COUNSEL:

CARRIE M CHELBERG	(CPE)...PRO/PER
MARILYN S CROWELL	(CPE)...PRO/PER
AMBROSE J DIDELOW	(CEP)(PET)...JAMES B CHURCH
CARRIE M CHELBERG	(CP)...PRO/PER
MARILYN S CROWELL	(CP)...PRO/PER